

**Authority:** 7 U.S.C. 136a(d)(1)(C), 136i–1, and 450; 7 CFR 2.17, 2.50.

■ 6. Revise § 110.7 to read as follows:

#### **§ 110.7 Penalties.**

Any certified applicator who violates 7 U.S.C. 136i–1(a), (b), or (c) or this part shall be subject to a civil penalty of not more than the amount specified in section § 3.91(b)(1)(i)(A) of this title in the case of the first offense, and in the case of subsequent offenses, be subject to a civil penalty of not less than the amount specified in § 3.91(b)(1)(i)(B) of this title for each violation, except that the civil penalty shall be less than the amount specified in § 3.91(b)(1)(i)(B) of this title if the Administrator determines that the certified applicator made a good faith effort to comply with 7 U.S.C. 136i–1(a), (b), and (c) and this part.

#### **PART 205—NATIONAL ORGANIC PROGRAM**

■ 7. The authority citation for part 205 continues to read as follows:

**Authority:** 7 U.S.C. 6501–6522.

#### **§ 205.100 [Amended]**

■ 8. Amend § 205.100(c)(1) by removing “\$10,000” and adding in its place “the amount specified in § 3.91(b)(1)(xxxvii) of this title”.

#### **PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN**

■ 9. The authority citation for part 246 continues to read as follows:

**Authority:** 42 U.S.C. 1786.

#### **§ 246.12 [Amended]**

■ 10. Amend § 246.12(l)(1)(x)(C) as follows:

■ a. Remove in the third sentence “shall be \$10,000.” and add in its place “shall be \$10,000, except for those violations listed in paragraph (l)(1)(i) of this section, where the civil money penalty shall be the maximum amount per violation specified in § 3.91(b)(3)(v) of this title for trafficking violations, or § 3.91(b)(3)(vi) of this title for selling firearms, ammunition, explosives, or controlled substances in exchange for food instruments.”; and

■ b. Remove in the fifth sentence “may not exceed \$40,000.” and add in its place “may not exceed \$40,000, except for those violations listed in paragraph (l)(1)(i) of this section, where the total amount of civil money penalties may not exceed the maximum amount for violations occurring during a single investigation specified in § 3.91(b)(3)(v) of this title for trafficking violations, or § 3.91(b)(3)(vi) of this title for selling

firearms, ammunition, explosives, or controlled substances in exchange for food instruments.”.

#### **PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS**

■ 11. The authority citation for part 278 continues to read as follows:

**Authority:** 7 U.S.C. 2011–2036.

#### **§ 278.6 [Amended]**

■ 12. Amend § 278.6(j) as follows:

- a. Remove “\$20,000” and add in its place “the amount specified in § 3.91(b)(3)(ii) of this title;” and
- b. Remove “\$40,000” and add in its place “the amount specified in § 3.91(b)(3)(ii) of this title”.

#### **PART 1150—DAIRY PROMOTION PROGRAM**

■ 13. The authority citation for part 1150 continues to read as follows:

**Authority:** 7 U.S.C. 4501–4513.

#### **§ 1150.156 [Amended]**

■ 14. Amend § 1150.156(b) by removing “\$1,000” and adding in its place “the amount specified in § 3.91(b)(1)(xx) of this title”.

#### **PART 1160—FLUID MILK PROMOTION PROGRAM**

■ 15. The authority citation for part 1160 continues to read as follows:

**Authority:** 7 U.S.C. 6401–6417.

#### **§ 1160.214 [Amended]**

■ 16. Amend § 1160.214(b) as follows:

- a. Remove in the first sentence “not less than \$500 nor more than \$5,000 for each such violation” and add in its place “not less than nor more than the minimum and maximum amounts specified in § 3.91(b)(1)(xxxv) of this title for each such violation”; and
- b. Remove in the second sentence “not less than \$10,000 nor more than \$100,000 for each such violation” and add in its place “not less than nor more than the minimum and maximum amounts specified in § 3.91(b)(1)(xxxv) of this title for each such violation”.

Done at Washington, DC, this 11th day of May, 2005.

**Mike Johanns,**

*Secretary, U.S. Department of Agriculture.*

(For amendments to 7 CFR Part 3)

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

(For amendments to 7 CFR Parts 46, 110, 205, 1150, and 1160)

**Roberto Salazar,**

*Administrator, Food and Nutrition Service.*

(For amendments to 7 CFR Parts 246 and 278)

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### **DEPARTMENT OF AGRICULTURE**

#### **Animal and Plant Health Inspection Service**

#### **9 CFR Part 77**

[Docket No. 04–065–1]

#### **Tuberculosis; Reduction in Timeframe for Movement of Cattle and Bison From Modified Accredited and Accreditation Preparatory States or Zones Without an Individual Tuberculin Test**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the regulations concerning tuberculosis in cattle and bison by reducing, from 6 months to 60 days, the period following a whole herd test during which animals may be moved interstate from a modified accredited State or zone or from an accreditation preparatory State or zone without an individual tuberculin test. We have determined that the 6-month period during which individual tuberculin tests have not been required is too long given the risks of exposure to tuberculosis that exist in modified accredited and accreditation preparatory States or zones, especially in such States or zones where there are wildlife populations affected with tuberculosis. This interim rule will lower the potential risk of movement of infected animals and decrease the likelihood of tuberculosis transmission.

**DATES:** This interim rule is effective May 18, 2005. We will consider all comments that we receive on or before July 25, 2005.

**ADDRESSES:** You may submit comments by any of the following methods: